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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,332	04/02/2001	Alan L. Kregel	BS00-079	7320

28970 7590 11/26/2003

SHAW PITTMAN
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1650 TYSONS BOULEVARD
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MCLEAN, VA 22102

EXAMINER

CUMMING, WILLIAM D

ART UNIT	PAPER NUMBER
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2683

4

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,332

Applicant(s)

ALAN KREGEL

Examiner

WILLIAM D. CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process... may obtain a patent therefor..." Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).
3. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.
4. Claims 1-39 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-39 of copending Application No. 09/839,217. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.
5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
6. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
7. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-39 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of copending Application No. 09/839,217. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current application claiming the same invention as that of claims 1-39 of copending Application No. 09/839,217.
9. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.
10. Claims 1-39 of this application conflict with claims 1-39 of Application No. 09/839,217. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

NON-FINAL REJECTION

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallinder discloses an arrangement relating to telecommunication access and control. An arrangement is provided at least for providing access information for protected subscriptions to at least one telecommunications system which requires the giving of access code information. The arrangement comprises a portable telecommunications unit which includes processing devices, storing devices and loudspeaker devices. The existing processing devices, storing and loudspeaker devices of the portable telecommunications unit are used for transmitting at least DTMF-coded access code information to a communications arrangement to provide access to a number of telecommunications systems.

Mak discloses a system and method for electronic communications; more specifically, a system and method for transmitting real-time or non-real-time voice and facsimile electronic data across both circuit-switched and packet-switched networks. The system may include a gatekeeper server capable of communicating with a system subscriber across a packet-switched network and a network node capable of communicatively interconnecting a circuit-switched network, such as the Public Switched Telephone Network (PSTN), and a packet-switched network utilizing the Internet Protocol for transmission. If a subscriber is not available to receive an electronic communication at his primary telephone number or IP address, the system may be capable of re-directing the communication to additional telephone numbers or IP addresses across either the circuit-switched or packet-switched networks, according to the subscriber's preferences. The system may also include media servers, databases, notification servers, and other hardware and software to impart functionality to the communications system. A subscriber to the system is preferably identified by a single subscriber identifier, which may be associated with the subscriber's dynamic IP address, and is able to send and receive voice calls, facsimiles, and other electronic messages to and from both subscribers and non-subscribers on the same or other communications networks. The system may also provide for non-real-time voice messaging in the event an immediate direct connection is not available or desired. The system components are preferably designed to be scalable, redundant and adapted to be replaced and upgraded while the system is running.

NON-FINAL REJECTION

Shostak shows a wireless communication system has a central computer, one or more wireless access points and one or more personal badges that communicate wirelessly with the one or more wireless access points. The badges provide the user with a communications device that permits the user to initiate telephone calls and conferences, receive telephone calls, receive pages and be located within a particular environment.

12. AMENDMENTS NOW MUST BE SUBMITTED IN REVISED FORMAT

All amendments received by the Office on or after July 30, 2003 must be in compliance with the rules as required by the Revised Amendment Practice. This practice requires the submission of an amendment document that includes separate sections for amendments to the claims, drawings, specification and abstract, each beginning on a new sheet of paper. If an amendment is received as a preliminary amendment or as a *bona fide* reply under 37 CFR 1.111, that has compliant amendments to one or more separate section(s), but also includes one, or more, separate section(s) with non-compliant amendments, the Office will mail a Notice of Non-Compliant Amendment requiring correction to the non-compliant section(s) within a time period set by the Office. When making corrections, applicant should just resubmit the needed corrected section(s), and correspondingly, should not resubmit the entire amendment document. For example, if the amendment included compliant amendments to the specification and claims, and non-compliant amendments to the drawings, a notice requiring resubmission of compliant amendments to the drawings would be sent. In reply to the notice, applicant should only submit a compliant amendment to the drawings, and not the previously compliant amendments to the specification and claims. If any additional, or further, amendments to the claims are desired, the changes must be made relative to the previous compliant amendment to the claims. The Office will consider both the previous compliant amendment to the claims, and the supplemental compliant amendment to the claims, after the Office receives the compliant amendment to the drawings.

An amendment submitted on or after July 30, 2003 as part of a reply after the close of prosecution (e.g., as a reply under 37 CFR 1.116) that is not compliant with the Revised Amendment Practice will not act to toll the outstanding time period. **See 37 CFR 1.135(c).** A notice (e.g., an advisory action) may be mailed by the Office specifying which section(s) of the amendment was not in compliance with the Revised Amendment Practice, but no new time period will be given to provide a compliant section.

REVISED FORMAT OF AMENDMENTS

Begin on separate sheets:

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections should begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

Two versions of amended part(s) no longer required:

CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section, substitute specification, or drawing, submitted in the following format:

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing** of all claims in the application. ^{Added in a parenthetical expression, and the} text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace ~~the~~ ^{the} ~~original~~ ^{original} ~~claims~~ ^{claims}.

(1) The current status of all of the claims in the application, including any previously amended or reintroduced claims, shall be indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (previously canceled), (previously withdrawn), (reinstated – formerly claim #_), (previously reinstated), (re-presented – formerly claim #_). The status of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated as such.

(2) All claims being currently amended must be presented with markings to indicate the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying copy of the immediately prior version must be presented. Only claims of the status "currently amended" will include markings.

without any markings. Any claim presented in clean version will constitute an assertion that it has not been changed relative to the version presented in the clean version.

(4) A claim may be canceled by merely providing an instruction to cancel. Listing a claim as ~~known~~, ~~known~~ added by amendment must be indicated as (new) and shall not be underlined.

(5) All of the claims in each amendment must be presented in numerical order. Consecutive canceled or withdrawn claims may be aggregated into one statement (e.g. Claims 1 – 5 (canceled)).

Example of listing of claims:

Claims 1-5 (canceled)

Claim 6 (withdrawn)

Claim 7 (previously amended): A bucket with a handle.

Claim 8 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 9 (withdrawn)

Claim 10 (original): The bucket of claim 8 with a wooden handle.

Claim 11 (canceled)

Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented – formerly claim 11): A black bucket with a wooden handle.

B) Amendments to the specification:

Amendments to the specification may be made by presenting a replacement paragraph, section or substitute specification marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented.

C) Amendments to drawing figures:

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with § 1.84. An explanation of the changes should be provided in the remarks section of the amendment. If the changes to the drawing figure(s) are not approved by the examiner, applicant will be informed in the next communication. The amendment sheet should include all of the figures appearing on the immediate prior version of the drawing. If a figure is amended, the figure or figure number of the amended drawing should not be labeled as "amended."

Any questions regarding the submission of amendments pursuant to the revised rules should be directed to the following legal advisors in the Office of Patent Legal Administration (OPLA): Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gene Jones (Gene.Jones@uspto.gov), Joseph Narcavage (Joseph.Narcavage@uspto.gov). For information on the waiver or legal fee, please contact Jay Lucas (Jay.Lucas@uspto.gov), Senior Legal Advisor (PCTLA) or Rob Clarke (Robert.Clarke@uspto.gov), Senior Legal Advisor (OPLA). Alternatively, further information may be obtained by calling OPLA at 1-800-305-1616.

13. Patent Customers Advised to FAX Communications to USPTO

Facsimile transmissions of communications to the Office can significantly expedite processing of the communication within the Office. For example, when an assignment document is faxed to the Office, the average cycle time to process, record, and send a notice of recordation is one calendar day, whereas when the document is mailed to the Office, the average cycle time is 113 calendar days. See Status of Office of Public Records Services, 1269 Off. Gaz. Pat. Office 19,20 (April 1, 2003).

With many of the facsimile numbers provided below (i.e., those numbers below with 746 or 872 after the area code in the facsimile number), a return receipt will be automatically generated that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. The return receipt will be automatically sent to the sender's facsimile machine so long as the sender's facsimile number is properly programmed in the sending facsimile machine, and the sender's facsimile machine is available to receive a fax immediately following the original transmission. (Note that with area code changes, or with movement of a facsimile machine from one number to another, the facsimile machine's number may need to be reprogrammed.) Even if a return receipt is not desired, at least the first page of the facsimile transmission must clearly indicate the date and time the transmission is sent, an identification of the business, other entity, or individual sending the transmission, and the telephone number of the sending machine or of such business, other entity, or individual. See 47 U.S.C. 227(d)(1)(B) and 47 CFR 68.318(d). A return receipt will be attempted to be sent several times, but if a busy signal is repeatedly received, a return receipt will not be received by the sender. Applicants are advised to use the appropriate facsimile transmission procedures when submitting a reply to an Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission.

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality. Note that current processing of assignment documents now permits use of a credit card, but that PTO form 2038 should be used to prevent credit card information from being included in public records. Form PTO-2038 may be downloaded at

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<http://www.uspto.gov/web/forms/2038.pdf> from the USPTO website.

Faxes to the Office of Initial Patent Examination

Responses to notices from the Office of Initial Patent Examination (OIPE) and requests for corrected filing receipts may be filed by facsimile. New applications (other than continued prosecution applications (CPAs) under 37 CFR 1.53(d)) may not be filed by facsimile. The following is a list of Official Facsimile Numbers for the OIPE:

Fax number for corrected Filing Receipt Requests: 703-746-9195
Fax number for Response to Notice to File
Missing Parts (drawings may not be submitted by fax): 703-746-4060
Telephone number for Customer Service: 703-308-1202

Faxes to the Technology Centers

In addition, communications may be faxed to the Technology Centers. The following is a list of Official Facsimile Numbers for the Technology Centers:

TC1600:
Before Final: 703-872-9306
After Final: 703-872-9307
Customer Service: 703-872-9305
Telephone number for customer service: (703) 308-0198

TC1700:
Before Final: 703-872-9310
After Final: 703-872-9311
Customer Service: 703-872-9309
Telephone number for customer service: (703)306-5665

TC2100:
Before Final: 703-746-7239
After Final: 703-746-7238
Customer Service: 703-746-7240
Telephone number for customer service: (703)306-5631

TC2800:
Before Final: 703-872-9318
After Final: 703-872-9319
Customer Service: 703-872-9317
Telephone number for customer service: (703)306-3329

TC2900:
Before Final: 703-872-9322
After Final: 703-872-9323
Customer Service: 703-872-9321
Telephone number for customer service: (703)306-5648

TC3600:
Before Final: 703-872-9326
After Final: 703-872-9327
Customer Service: 703-872-9325
Telephone number for customer service: (703)306-5771

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TC2600:

Before Final: 703-872-9314
After Final: 703-872-9315
Customer Service: 703-872-9313
Telephone number for customer service: (703)306-0377

TC3700:

Before Final: 703-872-9302
After Final: 703-872-9303
Customer Service: 703-872-9301
Telephone number for customer service: (703)306-5648

Faxes to the Office of Patent Publication

Patent applicants are also reminded that 37 CFR 1.6(d) permits payment of an issue fee and a publication fee (if required) by facsimile transmission. When drawings are submitted with payment of an issue fee, they may be submitted by facsimile, although applicants are reminded that the facsimile process may reduce the quality of the drawings, and the Office will generally print the drawings received.

The applicable telephone numbers for payment of the issue and/or publication fee(s) by facsimile transmission are as follows:

Fax number for Issue Fee
(and any Publication Fee) Payments: (703) 746-4000

Telephone number to check on receipt
of payment (with Office of Patent Publication): (703) 305-8283

The Office of Patent Publication also handles many matters related to publication of patent applications. For example, express abandonments under 37 CFR 1.138(c) are handled by the Pre-Grant Publication Division of the Office of Patent Publication. In addition, requests to rescind a nonpublication request and notices of foreign filing should be directed to the Pre-Grant Publication Division. Questions regarding publication of patent applications (or rescissions of nonpublication requests) may also be directed by e-mail to pgpub@uspto.gov.

Fax number for PGPUB correspondence: (703) 305-8568

Telephone number for the Pre-Grant Publication Division: (703) 605-4283

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Faxes of Assignment Documents

Facsimile transmission to record an assignment or other documents affecting title is also accepted. This process allows customers to submit their documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their fax machine. Credit card payments to record assignment documents are now accepted, but use of the credit card form (PTO Form-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by a USPTO deposit account or credit card may be submitted via facsimile. Please refer to our Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Fax number for Automated Patent
and Trademark Assignment system: 703-306-5995

Telephone number for Assignment
Division for assistance: 703-308-9723

Faxes to the Office of Petitions

Applicable correspondence may be submitted to the Office of Petitions via facsimile. For questions concerning Petitions, contact the Office of Petitions at the numbers below:

Fax number for the Office of Petitions: 703-308-6916

Telephone number for customer service and inquiries: 703-305-9282

14. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

15. SPECIAL MAIL STOPS FOR PATENT MAIL

Effective May 1, 2003, the United States Patent and Trademark Office has a new address for some mail. See Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003). The mail stop should generally appear as the first line in the address, but the term "Mail Stop" may be abbreviated "MS". Special mail stop designations should be used to allow forwarding of particular types of mail to the appropriate areas as quickly as possible. Such mail may be forwarded to the appropriate area without being opened. Only the specified type of document should be placed in an envelope addressed to one of these special mail stops. If any documents other than the specified type identified for each special mail stop are addressed to that mail stop, they will be significantly delayed in reaching the appropriate area for which they are intended.

Some correspondence may only be submitted via the Office's electronic filing system (EFS). Instructions on how to file and what can be filed via EFS are posted on the Office's Internet Web site <http://www.uspto.gov> under the Electronic Business Center section.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Commissioner for Patents
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Alexandria, VA 22313-1450

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Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

U.S. Patent and Trademark Office
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Arlington, VA 22202

Mail Stop Designations	Explanation
Mail Stop 12	Contributions to the Examiner Education Program.
Mail Stop 313(c)	Petitions under 37 CFR 1.313(c) to withdraw a patent application from issue after payment of the issue fee and any papers associated with the petition, including papers necessary for a continuing application or a request for continued examination (RCE).
Mail Stop AF	Amendments and other responses after final rejection, other than an appeal brief.
Mail Stop Appeal Brief-Patents	For appeal briefs under 37 CFR 1.192 or reply briefs under 37 CFR 1.193(a).
Mail Stop Application Number	For fee and petitions under 37 CFR 1.182 to obtain Mail Stop Designation received and/or application number for patent applications prior to the Office's standard notification (return post card or the official "Filing Receipt," "Notice to File Missing Parts," or "Notice of Incomplete Application").
Mail Stop Comments- Patents	Public comments regarding patent related regulations and procedures.
Mail Stop Conversion	Requests under 37 CFR 1.53(c)(2) to convert a nonprovisional application to a provisional application and requests under 37 CFR 1.53(c)(3) to convert a provisional application to a nonprovisional application.
Mail Stop CPA	Requests for Continued Prosecution Applications (CPA's) under 37 CFR 1.53(d).
Mail Stop DD	Disclosure Documents or materials related to the Disclosure Document Program.
Mail Stop Design	The filing of all design patent applications that do not request expedited examination under 37 CFR 1.55.
Mail Stop EBC	Mail for the Electronic Business Center
Mail Stop ILS	Correspondence relating to international patent classification, exchanges and standards.
Mail Stop Expedited Design	Only to be used for the initial filing of design applications accompanied by a request for expedited examination under 37 CFR 1.155. (Design applicants seeking expedited examination may alternatively file a design application and corresponding request under 37 CFR 1.155 by hand-delivering the application papers and request directly to the Design Group Director's office.)

NON-FINAL REJECTION

Mail Stop Issue Fee	All communications following the receipt of a PTOL-85, "Notice of Allowance and Fee(s) Due," and prior to the issuance of a patent should be addressed to Mail Stop Issue Fee, unless advised to the contrary. Issue fee payments can also be faxed to (703)746-4000. Assignments are the exception. Assignments (with cover sheets) should be faxed to (703)306-5995 or submitted in a separate envelope and be sent to Mail Stop Assignment Recordation Services, Director - US Patent and Trademark Office as shown below.
Mail Stop Missing Parts	Reply to the Notice to File Missing Parts of Application and associated papers and fees. Note that such correspondence may also be faxed to: 703-746-4060.
Mail Stop MPEP	Submissions concerning the Manual of Patent Examining Procedure.
Mail Stop Non-Fee Amendment	Non-fee amendments to patent applications. (Use Mail Stop AF for replies after final rejection.)
Mail Stop Patent Application	New patent applications and associated papers and fees.
Mail Stop Patent Ext.	Applications for patent term extension and any communications relating thereto.
Mail Stop Petition	Petitions to be decided by the Office of Petitions including petitions to revive and petitions to accept late payment of issue fees or maintenance fees.
Mail Stop PGPUB	Correspondence regarding publication of patent applications not otherwise provided, including requests for early publication made after filing, rescission of non-publication request, corrected patent application publication, refund of publication fee.
Mail Stop PGPUB - ABD	Petitions under 37 CFR 1.138 to expressly abandon an application to avoid publication of the application.
Mail Stop PGPUB Drawings	Drawings to be included in a patent application publication (replacement drawings for drawings included with a patent application on filing).
Mail Stop PCT	Mail related to applications filed under the Patent Cooperation Treaty.
Mail Stop Provisional Patent Application	The filing of all provisional patent applications and any communications relating thereto.
Mail Stop RCE	Requests for continued examination under 37 CFR 1.114.
Mail Stop Reconstruction	Correspondence pertaining to the reconstruction of lost patent files.
Mail Stop <i>Ex Parte</i> Reexam	Requests for Reexamination for original request papers only .
Mail Stop <i>Inter Partes</i> Reexam	Requests for <i>Inter Partes</i> Reexamination for <i>original</i> request papers and for all <i>subsequent</i> correspondence other than correspondence to the Office of the Solicitor (see 37 CFR §§ 1.1(a)(3) and 1.302(c)).
Mail Stop Reissue	All new and continuing reissue application filings.
Mail Stop Sequence	Submission of diskette for applications with sequence listings.

NON-FINAL REJECTION**ADDRESS FOR TRADEMARK MAIL**

The box designations previously listed in Trademark Manual of Examining Procedure, Section 305.01 are no longer in use. See Change of Address for Mailing Trademark Correspondence, which is posted on the USPTO Internet web site at:

<http://www.uspto.gov/web/trademarks/tmmailingaddressnotice.htm>.

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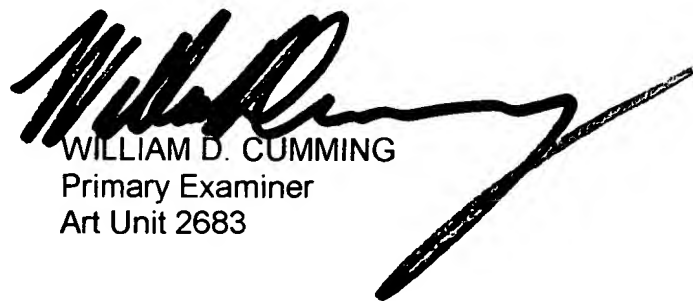
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner WILLIAM D. CUMMING whose telephone number is 703-305-4394. The examiner can normally be reached on Monday, Tuesday, Thursday, 11:30am to 8:30pm and Wednesday 6:30am to 3:30pm, EDT.

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17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisory primary Examiner WILLIAM TROST can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6075 for regular communications and 746-6075 for After Final communications.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


WILLIAM D. CUMMING
Primary Examiner
Art Unit 2683

wdc
November 21, 2003



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